

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Michael Shawn McCourt,

Civil No. 08-6411 (PAM/RLE)

Plaintiff,

v.

**ORDER**

R. Rios, Warden; J. Anderson, Medical  
Administrator; Dr. J. Dey, Past Clinical Director;  
K. Peterson, Physicians Assistant; C. Mead, E.M.T.;  
L.K. Brandt, Physicians Assistant; and S.  
Lyngaas, Reporting Lieutenant;

Defendants.

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This matter is before the Court on the Report and Recommendation (“R&R”) of Chief Magistrate Judge Raymond L. Erickson. On December 18, 2008, Plaintiff Michael Shawn McCourt filed a Complaint. But McCourt failed to timely serve the Summons and Complaint on two of the named Defendants, Dr. J. Dey and K. Peterson. On September 14, 2009, Magistrate Judge Erickson gave Plaintiff 20 days to show good cause for an extension of time to serve. Because Plaintiff failed to comply with the Order, Magistrate Judge Erickson recommends the action be dismissed without prejudice as to those two Defendants. Plaintiff has not filed objections to the R&R in the time period permitted. The Court therefore **ADOPTS** the R&R (Docket No. 28).

Accordingly, **IT IS HEREBY ORDERED** that this action **BE DISMISSED WITHOUT PREJUDICE** as to Defendants Dr. J. Dey and K. Peterson, for failure to comply with the Order of September 14, 2009, for failure to effect proper service on Defendants Dr. J. Dey and K. Peterson, and for lack of prosecution.

Dated: Tuesday, November 10, 2009

*s/ Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge